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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1084 (1996) of 27 November 1996 requesting an interim report by 28 February 1997 on my efforts to break the impasse blocking the implementation of the settlement plan. In addition to reiterating its commitment to the holding of a referendum in accordance with the settlement plan, the Security Council expressed support for the activities of my Acting Special Representative in continuing the dialogue, noted the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the settlement plan, welcomed the steps taken by the parties and encouraged them to pursue their efforts so as to build confidence between themselves and to facilitate the implementation of the plan. The Security Council also requested me to propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to the implementation of the plan and, further, to continue to keep the staffing size and configuration of the various components of the United Nations Mission for the Referendum in Western Sahara (MINURSO) under active review in order to ensure maximum efficiency and effectiveness.

2. Section II of the present report covers the efforts of my Acting Special Representative, Mr. Erik Jensen, and an assessment of the impasse which continues to block the further implementation of the settlement plan, with particular respect to the identification process. Section III deals with other aspects of the plan; section IV covers the activities of the military and civilian police components; and section V contains my observations and recommendations.

II. MEETINGS AND IDENTIFICATION PROCESS

3. Since the adoption of Security Council resolution 1084 (1996), my Acting Special Representative has sought to maintain contact with the parties, visiting both Rabat and Tindouf on several occasions in December 1996 and January 1997. He had meetings with the Moroccan Minister of the Interior, Mr. Driss Basri, and

with the Frente POLISARIO Coordinator with MINURSO, Mr. Bachir Mustapha Sayed, as well as with other senior representatives. Both the Government of Morocco and the Frente POLISARIO have again reiterated their commitment to the settlement plan and their wish to see it implemented. However, there has been no change in their respective attitudes to continuing the identification process.

4. The identification process began in August 1994, and continued for more than a year and a half. In that period, procedures became well established. Contacts increased and a greater mutual awareness was generated between the parties. The process stalled late in 1995, by which time 77,058 persons had been convoked and 60,112 identified. This corresponds to the number of persons estimated to have survived since 1974, when the Spanish colonial authorities conducted a census indicating that 73,497 Saharans resided in the Territory. The conditions posed by the two sides for further identification are incompatible. Every solution put forward is interpreted as favouring one side or the other. Morocco maintains that all persons for whom applications were presented at the appropriate time have the right to come forward for identification, without prejudice to the decision of the Identification Commission. It is, further, the Moroccan view that all the groups treated as tribes and subfractions in the Spanish census of 1974 should be considered as such, pointing out that tribal leaders (sheikhs) were elected for them in 1973. The Frente POLISARIO insists that, in accordance with the compromise proposal, in addition to individuals whose names appear in the census, only members of "a Saharan subfraction included in the 1974 census" have the right to be identified and that certain groups in the census are not recognized Saharan tribes composed of authentic "subfractions". The Frente POLISARIO also insists that the lists of persons already identified and found eligible to vote should be made available, a proposal unacceptable to Morocco as not being in conformity with the settlement plan.

5. From a technical point of view, it is entirely possible to resume and finish identification. The full programme drawn up in 1996 would have taken 32 weeks to complete. That would presuppose a commitment by both sides to participate in the proceedings as scheduled, on the basis of an understanding as to the persons to be identified. It should be noted, however, that if agreement were reached to resume and complete the identification process, a certain amount of time would be required to locate and recruit the personnel required and to re-establish and reopen the identification centres, which were partially dismantled when the Identification Commission and its staff were withdrawn.

6. With respect to measures to build confidence, the Government of Morocco has again confirmed the position expressed publicly by King Hassan II in November 1996. The Frente POLISARIO has also reiterated its wish to pursue contacts, but is unwilling to do so on the conditions that Morocco considers necessary.

III. OTHER ASPECTS OF THE SETTLEMENT PLAN

Release of political prisoners

7. My Acting Special Representative has continued to pursue the matters raised by the Independent Jurist, Professor Emmanuel Roucounas. On 14 January 1997, the Frente POLISARIO provided a revised and annotated list of persons allegedly detained for political reasons in Morocco. On 16 January, my Acting Special Representative transmitted the list officially to the Moroccan Ministry of the Interior, in accordance with the agreement reached in July 1996 with Professor Roucounas during his visit to the region.

Repatriation of refugees

8. The Office of the United Nations High Commissioner for Refugees (UNHCR) has undertaken various activities in planning for the voluntary repatriation of Western Saharan refugees. UNHCR has been monitoring the developments in the region, and has undertaken to review and update on a continuous basis the repatriation plan drawn up in 1991 to prepare for the voluntary repatriation of refugees. Updates in logistical considerations have set the cost of the UNHCR repatriation project at US$ 50 million.

9. When conditions so permit, UNHCR plans to carry out a pre-registration of potential returnees, which is an essential part of the preparatory work for the repatriation operation. Meanwhile, UNHCR continues its assistance to the most vulnerable among the refugees.

10. Since July 1996, the UNHCR Field Office in Tindouf has become operational, while staff from Algiers and from Headquarters regularly conduct missions to the Tindouf area. An international staff member has been appointed for Tindouf effective 15 February 1997.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

11. On 30 November 1996, Major-General Jorge Barroso de Moura (Portugal) replaced Major-General José Eduardo Garcia Leandro (Portugal) as Force Commander. The current strength of the military component, after last year's reduction by 20 per cent, stands at 230 personnel (see annex I). During the reporting period, the military component of MINURSO has continued to monitor and verify the ceasefire. Despite the reduced strength, it has proved possible to increase slightly the number of ground and air patrols. Military observers averaged 47,000 km per week in ground operational patrols and 178 hours a month in helicopter reconnaissance during the reporting period. There was one allegation of a violation which, upon investigation, was not confirmed. Some minor incidents were satisfactorily resolved. Collaboration with both the Royal Moroccan Army and the Frente POLISARIO has been good.

12. On the basis of the experience gained in the last four months in operating at the reduced staffing levels, the Force Commander has been exploring whether

any further reduction could be achieved without impairing the implementation of MINURSO's current mandate. He has now prepared a number of options which are currently under study at United Nations Headquarters. I will review these in the light of the need to maintain the component's operational effectiveness in monitoring the ceasefire and submit to the Security Council, in my next report, appropriate proposals accordingly.

Civilian police component

13. During the reporting period, Lieutenant-Colonel Jan Kleven (Norway), who became Acting Police Commissioner upon the departure of Brigadier General Walter Fallmann (Austria), has continued to head the civilian police component of MINURSO. This component, which numbered 91 police officers in January 1996, has now been reduced to nine (see annex II), and has as its principal functions ensuring 24-hour security for the computerized data and computer equipment at the former identification centres, maintaining a security presence in Tindouf and occasional escort duties.

14. The overall reduction of MINURSO staff has now made it possible to reassemble all computerized data and computer equipment within the confines of the MINURSO compound at Laayoune, where adequate security arrangements are in place. I therefore propose, in order to reduce costs to the fullest possible extent, that the Acting Police Commissioner and remaining civilian police not be replaced at the end of their current assignments, or earlier if agreed with their Governments.

V. OBSERVATIONS AND RECOMMENDATIONS

15. The ceasefire in the Western Sahara that came into effect on 6 September 1991 after years of conflict has held, with only minor technical violations. Although lives have been lost in accidents, there have been no fatalities attributable to hostile fire. This is no mean achievement in a region that is threatened by instability. MINURSO can take credit for having helped the parties maintain their commitment to the ceasefire through the presence and patrolling activities of its observers. However, this is not MINURSO's only achievement. The initiation of the identification process and MINURSO's contribution to facilitating contact between the parties as a confidence-building measure have also been important. What has been accomplished should not be lost.

16. Progress is possible, but only if both sides commit themselves fully, in deed as well as in word, to implementing the settlement plan. Unless this happens, the continued presence of MINURSO will be increasingly questioned. The retention of the military component at its present level is costly, since the bulk of MINURSO's expenditure relates to maintaining, supporting and enabling the military observers to function in their team-sites. Furthermore, in the absence of progress towards a political solution as foreseen in the settlement plan, the presence of military observers alone will not by itself prevent hostilities. On the other hand, the withdrawal of military observers could put in jeopardy the ceasefire and seriously threaten regional stability. In the circumstances, I believe it essential to make every effort to move the political

process forward and to identify ways, including the possibility of a new initiative, to overcome the current stalemate in implementing the settlement plan.

17. I have therefore been reviewing the following questions:

(a) Can the settlement plan be implemented in its present form?

(b) If not, are there adjustments to the settlement plan, acceptable to both parties, which would make it implementable?

(c) If not, are there other ways by which the international community could help the parties resolve their conflict?

I intend to intensify the examination of these questions during the coming weeks so that I can be in a position to present conclusions to the Council before the expiry of MINURSO's current mandate on 31 May 1997.

18. In the meantime, I am considering further reductions in the staffing of MINURSO, where costs have already fallen by some 40 per cent, from about $4 million to approximately $2.6 million per month. Through the non-replacement of departing personnel and those on loan, reductions have been effected in the civilian staff. The withdrawal of the civilian police component, if accompanied by additional reductions elsewhere, will also allow further cuts in civilian administration staff. I intend to keep the situation under active review and advise the Council accordingly.

19. The United Nations cannot compel the parties to honour their commitment to cooperate in implementing the settlement plan. Without such cooperation, it will become increasingly difficult to justify continuing expenditure beyond the expiry of the present mandate. The international community cannot continue to spend its scarce resources on the Western Sahara in the absence of any progress in the implementation of the plan that the two parties freely accepted nine years ago. This is a critical moment for the Mission. I can only hope that the parties do not fail to realize the serious implications for the future of MINURSO.

Annex I

COMPOSITION OF THE MILITARY COMPONENT OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

	Current strength		
	Military observers	Support units	Total
Argentina	1		1
Austria	4		4
Bangladesh	6		6
China	16		16
Egypt	11		11
El Salvador	2		2
France	25		25
Ghana	6	7	13 a/
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	8		8
Malaysia	13		13
Nigeria	3		3
Pakistan	5		5
Poland	3		3
Portugal	6		6
Republic of Korea	0	20	20 b/
Russian Federation	25		25
Tunisia	9		9
Uruguay	13		13
United States of America	15		15
Venezuela	3		3
Total	203	27	230

a/ Support units (seven non-commissioned officers).

b/ Medical personnel.

Annex II

CIVILIAN POLICE OFFICERS

Country	Number
Norway	1
Austria	2
Hungary	2
Togo	2
Uruguay	2
Total	9

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